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JONES DAY
222 East 41st Street
New York, NY 10017

In re Application of :
SCHADT *et al* :
U.S. Application No.: 10/540,405 :
PCT No.: PCT/US2003/041613 :
Int. Filing Date: 24 December 2003 :
Priority Date: 27 December 2002 :
Attorney's Docket No.: 9301-210-999 :
For: COMPUTER SYSTEMS AND :
METHODS FOR ASSOCIATING :
GENES WITH TRAITS USING CROSS :
SPECIES DATA :

DECISION

This is a decision on the renewed request to add an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) filed 23 October 2006.

BACKGROUND

On 22 August 2006, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 23 October 2006, applicants filed the renewed petition along with, *inter alia*, a copy of an assignment and a "Consent of Assignee to Change of Inventorship Under 37 C.F.R. § 1.497(d)(3) and Statement Under 37 C.F.R. § 3.73(b)."

DISCUSSION

As previously indicated, 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants previously completed items (1) and (2) of 37 CFR 1.497(d).

In the renewed petition, applicants provided a consent form signed by Edward M. Yoshida, as Managing Counsel of the assignee, Rosetta Inpharmatics LLC. The submission sets forth that Mr. Yoshida is authorized to act on behalf of the assignee. A copy of the assignment was also provided. This is sufficient to meet the requirements of § 324 MPEP and item (3) of 37 CFR 1.497(d).

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicants' request to add John Lamb as an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 30 June 2006 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 24 December 2003, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 30 June 2006.

It is noted that applicants request to delete Stephanie A. Monks as an inventor pursuant to 37 CFR 1.48(b) will be decided by the Primary Examiner pursuant to MPEP § 1002.02(e).

This application is being forwarded to the National Stage Processing Division of

the Office of PCT Operations for continued processing.

A handwritten signature in black ink, appearing to read "James Thomson". The signature is fluid and cursive, with the first name "James" and last name "Thomson" clearly distinguishable.

James Thomson

Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302